



# **Regulatory Assistance Reviews**

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# Purpose of Regulatory Assistance Reviews



- **Promote and communicate regulatory compliance program improvements at DOE and NNSA sites**
- **Review contractor processes for identifying, screening, reporting and correcting noncompliances associated with DOE regulatory requirements**



# **Purpose of Regulatory Assistance Reviews (cont'd)**



- **Evaluate contractor's management and internal assessment processes**
- **Review process improvements and ongoing initiatives**
- **Consideration for mitigation in future related enforcement actions based on program improvement**



# Regulatory Assistance Review Process



- Requested by Site
- Document request
- Conducted by two to four member team
- On-site for approximately 3 days
- Informal entrance and exit meeting
- Report development at Headquarters



# **Regulatory Assistance Review Process**

(cont'd)



- **Report will identify strengths, weaknesses and suggestions – no findings or ratings**
- **Draft report provided for comments in approximately 60 days**
- **Final report posted on the Office of Enforcement website**



# Regulatory Assistance Reviews



- **Integrated Program Reviews (IPRs)**  
*(HS-41, -42 and -43)*
  - May 2008 – Pacific Northwest National Laboratory
  - September 2008 – Savannah River Nuclear Solutions
  - November 2008 – Sandia National Laboratories



# Regulatory Assistance Reviews (cont'd)



## ■ Security Regulatory Assistance Reviews (Formerly Program Reviews)

- March 2009 – B&W Pantex
- August 2009 – Brookhaven
- October 2009 – B&W Y-12
  
- May 2010 – Lawrence Livermore
- July 2010 – Mission Support Alliance, Hanford
  
- February 2011 – Los Alamos
- May 2011 – Paducah
- August 2011 – Battelle Energy Alliance, Idaho



# **Regulatory Assistance Review Themes Security Enforcement**



## **Strengths**

- **Management attention and commitment to the overall Security Program**
- **Effective partnership between the Contractor and the Federal line management**
- **Security personnel are well trained and knowledgeable of program requirements**





# **Regulatory Assistance Review Themes Security Enforcement**



## **Strengths (cont'd)**

- **Cyber Security has a close and effective relationship with the Incidents of Security Concern Program**
- **Specific training required for personnel responsible for conducting causal analysis**



# **Regulatory Assistance Review Themes Security Enforcement**



## **Weaknesses**

- **Enforcement Coordinator's roles and responsibilities in support of the Classified Information Security Regulatory Program not formally defined**
- **Ineffective internal assessments in identifying classified information security noncompliances – lack performance elements**



# **Regulatory Assistance Review Themes Security Enforcement**



## **Weaknesses (cont'd)**

- **Inconsistent categorization of security incidents (IMI reporting) – lack supporting evidence**
- **Ineffective corrective actions to prevent recurrence; administrative controls vs. engineered controls**
- **Weak security incident trending methods and analysis**



# Regulatory Assistance Reviews



## ■ Price-Anderson Regulatory Assistance Reviews

- September 2009 – Lawrence Livermore
- July 2011 – Argonne
- September 2011 – B&W Y-12



# Regulatory Assistance Reviews (cont'd)



## ■ Worker Safety and Health Regulatory Assistance Reviews

- July 2009 – West Valley Environmental Services
- January 2011 – B&W Y-12
- April 2011 – Waste Isolation Pilot Plant



# **Regulatory Assistance Review Themes Worker Safety and Health**



## **Strengths**

- **Contractors recognize the value of implementing an effective regulatory noncompliance reporting process**
- **Integration with PAAA regulatory compliance program**
- **Formal, documented processes for administering screening and reporting process**



# **Regulatory Assistance Review Themes Worker Safety and Health**



## **Weaknesses**

- **Not evaluating all appropriate sources for potential noncompliances (e.g., assessments, CAIRS reports, employee concerns)**
- **Staff who are screening for noncompliances are not adequately trained to identify applicable requirements**
- **Assessments do not integrate worker safety and health regulatory considerations**



# **Regulatory Assistance Review Themes Worker Safety and Health**



## **Weaknesses (cont'd)**

- **Screening processes result in inappropriate determination that an issue is not a regulatory noncompliance due to:**
  - Low safety significance
  - Isolated event/condition (“but our program is compliant”)
  - Immediate corrective actions
  - Results from failure to implement the contractor’s Worker Safety and Health Program or the requirements of Part 851





# **Regulatory Assistance Review Themes Worker Safety and Health**



## **Weaknesses (cont'd)**

- **Corrective actions do not correlate with noncompliances**
- **Absence of program metrics**
  - Screening and reporting timeliness
  - Regulatory area weaknesses
  - Others?



# Regulatory Assistance Review Themes Worker Safety and Health



## Weaknesses (cont'd)

### ■ NTS Report issues

- Quality of information describing the noncompliances
- Most are event-based/self-disclosing/DOE identified



# Follow-up Review Purpose



- **Evaluate and document progress on weaknesses noted in prior Regulatory Assistance Reviews**
- **Provide continued assistance and feedback on program implementation**



# Follow-up Review Planning



- **Scope will depend on the results of the prior Regulatory Assistance Review**
- **Organizations are identified for a follow-up review based on need and requests from either the program/site office and/or the contractor**



# Follow-up Review Process



- **Conducted by limited number of staff; Typically 2 individuals on-site for 2-3 days**
- **Informal entrance and exit meeting**
- **No formal report issued – informal trip report documenting review maintained on file**
- **Again – correction of identified weaknesses may allow for mitigation in future enforcement actions**



# Closing Comments



## Regulatory Assistance Reviews can:

- Build trust with DOE that you consistently identify, report, and correct regulatory noncompliances
- Promote dialogue between enforcement coordinators and HS-40 staff on implementation challenges
- Promote program improvement in a cooperative environment
- Provide formal and informal training for staff involved in regulatory compliance program



## **Closing Comments (cont'd)**



### **Regulatory Assistance Reviews can:**

- **Offer the opportunity to benefit from enforcement discretion or mitigation**
- **Support your Contractor Assurance System**

**For more information, see the DOE Enforcement Process Overview:**

**[http://www.hss.doe.gov/enforce/Final\\_EPO\\_2009\\_v4.pdf](http://www.hss.doe.gov/enforce/Final_EPO_2009_v4.pdf)**